



**F E D E R A L**  
**S T U D E N T A I D**  
*We Help Put America Through School*

## *Common Student Identifier*

### **Data Privacy**

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**Proprietary and Confidential**

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## Appendix F-CSID High Level Design Deliverable

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### I. Purpose

In the age of Internet banking, online transactions, and identity theft, there is an understandable concern about the collection and use of personal information, particularly the Social Security Number, within FSA.

As a government agency, FSA is authorized to obtain and maintain various pieces of private and personal data for its customers. But, in the current computer-based economy, there exists a need for privacy and security regarding the use of personal data. All personal data given to FSA requires protection under the privacy act (e.g. SSNs, addresses, financial data).

This paper will document the guidelines and laws that may impact the use of Social Security Numbers, or Tax Payer Identification Numbers, as part of a Common Student Identifier for FSA.

### II. Background

As part of its Data Strategy, FSA is examining a method of identifying students consistently across the enterprise. The Common Student Identifier Initiative will recommend a strategy for creating consistent communication and verification processes regarding student identification between FSA systems.

The recommended CSID solution includes a combination of identifying data elements. The primary student identifier is Social Security Number (SSN), partnered with additional verification checks on Date of Birth (DOB), First Name, and Last Name using a matching algorithm. From a security perspective, the use of multiple pieces of personal data will be more difficult to defraud or falsify. This method is also commonly used in other financial service providers.

### III. Scope Definition

This paper will consider the privacy limitations on using the Social Security Number SSN, or Tax Payer Identification Number, as a component of the Common Student Identifier.

Within the scope of SSN use, there are multiple considerations:

1. The collection of SSN for identification purposes
2. The publication of SSN on printed materials
3. The public display of SSN

This paper will consider the laws restricting the use of SSNs in any of these ways.



#### IV. Authorized Use

##### A. Department of Education Use of SSN

According to Social Security Administration policy, the Department of Education is included among the government agencies permitted to use SSN as an identifier for "Nonprogram Uses" (*SSA Policy RM 00201.010 Nonprogram Use of the Social Security Number (SSN)*).

The policy cites the prevalence of computer usage, and the need to create a reliable common identifier. Additionally, there are no restrictions imposed by the SSA regarding how the SSN may be used by authorized Federal agencies:

Some government agencies are using the SSN for identification and administration purposes. The Privacy Act (PA) (5 USC. 552a) places some limits on the use of the SSN by governmental agencies; however, SSA cannot tell other agencies how to use the SSN. Other statutes specifically permit or require use of the SSN by government agencies. *SSA Policy GN 03325.001 Use of the Social Security Number (SSN)*

Under the Privacy Act of 1974, agencies that request Social Security Numbers and other personal information must provide a disclosure statement. Below is an enumeration of those requirements in the Privacy Act, taken from the Privacy Act of 1974 5 U.S.C. § 552A, As Amended  
<http://www.usdoj.gov/foia/privstat.htm>.

##### (e) Agency requirements

Each agency that maintains a system of records shall--

- (1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by Executive order of the President;
- (2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;
- (3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual--
  - (A) the authority (whether granted by statute, or by Executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;



(B) the principal purpose or purposes for which the information is intended to be used;

(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

(D) the effects on him, if any, of not providing all or any part of the requested information;

The Department and FSA include various disclaimers on all of their forms and requests for Privacy Act Data. Because the information is collected and transmitted for different purposes over different media, there are different versions of this release statement. At this time, FSA is seeking to standardize the disclaimer, so that the same statement is used on all requests for personal information, including SSN.

### **B. School Use of SSN**

Colleges and universities may obtain Social Security numbers for students who have university jobs or receive federal financial aid. In *Krebs v. Rutgers*, the court ruled that SSNs are educational records under FERPA (*Krebs v. Rutgers*, 797 F. Supp. 1246 (D.N.J. 1992)).

The Social Security Number, however, is included in the FERPA provision that requires written consent for the release of educational records or personally identifiable information.

The issue of printing SSN and using the SSN as a student identifier within schools remains a frequently debated issue. When a school displays students' SSNs on identification cards or posts grades in a public forum using SSNs, it is arguably a release of personally identifiable information, violating FERPA. Many schools, however, continue to use the SSN as the identifier in potentially public forums. Other schools choose to issue a separate student identifier number that is unrelated to the student's SSN.

While some schools no longer require SSNs as a method of student identification, the SSN continues to be a requirement under FERPA for Federal Student Aid and employment.

A school's choice to use SSN as an internal student identifier does not preclude the requirement to provide the students' SSN to FSA for work-study and financial aid purposes. Regardless of their internal identification schema, schools must provide a student's SSN when communicating with FSA or interfacing with FSA systems. Since such government use provides for privacy within its provisions, it remains an acceptable use by FSA.<sup>i</sup>

### C. State Law and Government Use

Amid the troubling growth of identity theft, many state governments have proposed or passed legislation limiting the collection and use of personal information, particularly on the Internet and printed materials. One of the most recent and restrictive laws was enacted in the State of California. New legislation in California restricts how businesses can use or display their customers' Social Security numbers. This law does not restrict the collection of SSNs, however, and it does not affect government agencies (state or federal) in cases when law requires the SSN.

For instance, insurance carriers will not be able to print the SSN on identification cards to be carried in the wallet.

SSNs cannot be printed on documents sent through the mail, with some exceptions. These provisions are found in California Civil Code 1798.85, [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html):

The law prohibits:

- Printing SSNs on ID cards or badges,
- Printing SSNs on documents mailed to customers, unless the law requires it or the document is a form or application,
- Requiring people to send SSNs over the Internet, unless the connection is secure or the number is encrypted, and
- Requiring people to use an SSN to log onto a web site, unless a password is also used.

### D. Upcoming Federal Use

Due to the increase of identity theft rates in the past year, U.S. Senators have proposed a bill that would "remove the [Social Security] Numbers from the public domain."<sup>ii</sup> Examples of such public use would include publishing SSNs on public records published on the Internet and printing SSNs on government checks and drivers' licenses.

The Department and FSA would be expected to comply with any such legislation; however, until the specific guidelines are determined, it will be difficult to gauge the impact of such a law on FSA. It is imperative that FSA be prepared to adapt its current business practices to align with federal law.



## V. Conclusion

Provided that FSA operates within the guidelines of FERPA and the Privacy Act, there is no reason why the SSN cannot continue to be collected and used as an identifier (or portion of an identifier) in a secure environment. SSN, as well as other personal information, is subject to the protections of the Privacy Act.

The recommended CSID solution includes the use of SSN and other personal data elements, which further impedes the ability to falsify identities. FSA will protect all of these data elements related to privacy (e.g. Date of Birth) as dictated by the Privacy Act.

As federal and state laws evolve, FSA may need to examine the publication of these SSNs on printed or mailed materials, other than applications and forms.

Although the publication and collection of the SSN has become more restricted in commercial business, FSA remains justified in its use of SSN as a means of identifying students.

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<sup>i</sup> *Fact Sheet 10: Your Social Security Number: How Secure Is It?*

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<http://www.privacyrights.org/fs/fs10-ssn.htm>

<sup>ii</sup> "Senators Offer Legislation to Block Identity Theft." Reuters. [www.reuters.com](http://www.reuters.com) January 27, 2003